



# THE UNIVERSITY *of* EDINBURGH

## Shared Parental Leave Policy

### 1. Policy Statement

The University is committed to helping its staff to balance their family and work commitments.

This policy explains the leave and pay available to you when taking Shared Parental Leave.

Shared Parental Leave (SPL) provides choice and flexibility in the way that you and your partner can take leave to care for your child in the first year following their birth/placement. You can take leave in blocks separated by periods of work or take it all in one go. You can choose to be off work at the same time as your partner or to stagger the leave and be off at different times.

### 2. Scope

This policy applies to all employees of the University who wish to share leave and pay with their partner to care for their child in the first year following their birth/placement for adoption. It also applies to employees who are the intended parents in a surrogacy arrangement.

This policy and procedure explains what you need to do as a partner wanting to share leave with the mother/lead adopter of your child. If you will be taking or are on maternity or adoption leave you should refer to Appendices I and II. Appendix I explains what mothers/lead adopters need to do to switch from maternity/adoption leave to SPL; Appendix II explains what mothers/lead adopters need to do to share their leave with their partner.

### 3. Abbreviations and Definitions

**SPL** is Shared Parental Leave

**ShPP** is Statutory Shared Parental Pay

**UESP** is University of Edinburgh Enhanced Pay taken during SPL

**Curtail** is when a mother/lead adopter gives notice to bring their maternity/adoption leave to an end early

**Qualifying week** is the 15th week before the baby's due date

**Matching week** is the week when notification of matching with a child is given by an approved UK adoption agency, or in the case of adoption from overseas, the week when 'official notification' of approval to adopt is received from the relevant UK authority

## **4. Eligibility**

### **4.1. Eligibility for Leave**

You are eligible to take SPL if:

- you share responsibility with your partner for the care of your child at the time of their birth/placement;
- you are employed by the University at the start of each period of leave;
- your partner meets the UK statutory 'employment and earnings' test, i.e. they:
  - worked for 26 weeks in the 66 weeks before your child's due date/placement and,
  - earned an average of at least £30 per week in any 13 of these 66 weeks; and
- your partner (the mother/lead adopter) curtails their maternity/adoption leave and pay.

### **4.2. Eligibility for Pay**

#### **4.2.1. Enhanced Pay**

We pay enhanced pay (UESP) which is equivalent to your normal full pay (i.e. the salary payment you usually receive for your contractual working hours).

UESP aligns to your contract throughout your period of paid leave. Your UESP may therefore change if, for example, you receive a pay award or increment, or if you have multiple posts and one comes to an end during your leave.

You will be eligible for UESP if you:

- are eligible for shared parental leave, and
- return to work for at least three months after having been on SPL.

The return to work period starts when you physically return to work. Periods of paid or unpaid absence before you return to work, e.g. annual leave or sickness absence, do not count towards the three month period.

Unlike statutory shared parental pay (see section 4.2.2), there is no length of service requirement for enhanced pay.

#### **4.2.2. Statutory Shared Parental Pay**

UESP will include Statutory Shared Parental Pay (ShPP) where you are eligible. ShPP will also be paid if you've used up your entitlement to enhanced pay and there is statutory pay left to share. You can also opt to take ShPP if you are undecided about returning to work after SPL. If you then subsequently return to work for at least three months following your leave, you will be paid UESP for the leave taken (less any statutory payments).

To qualify for ShPP, you must:

- have 26 weeks' continuous service at the qualifying/matching week
- have earned above the [Lower Earnings Limit for National Insurance Contributions](#) in the eight weeks prior to the qualifying/matching week, and
- your partner must have statutory maternity/adoption pay left to share with you.

## **5. Entitlement**

### **5.1. Leave**

You and your partner can share up to 52 weeks' leave. However, mothers and lead adopters must take a minimum of two weeks' maternity/adoption leave immediately following the birth/placement of their child. The remaining 50 weeks can be shared.

As a partner, two weeks' Partner (formerly paternity) Leave and pay must be taken before SPL as you will lose your entitlement to this leave and pay once SPL starts.

You and your partner can take SPL at the same time or at different times. You can start your SPL while the mother/lead adopter is still on maternity/adoption leave if they have given notice to curtail their leave to allow you to share the leave. The number of weeks of leave you can take will depend on how many weeks your partner has reduced their leave by. For example, if your partner curtails their maternity/adoption leave by 10 weeks and takes 42 weeks' leave, you can take 10 weeks' SPL.

SPL must be taken before the first anniversary of your child's birth/placement.

## 5.2. Pay: University of Edinburgh Enhanced Pay (UESP)

If you meet the eligibility criteria (see Section 4), you have a choice of payment options:

<b>Option 1</b>	Up to <b>16 weeks' full pay</b> (inclusive of ShPP, where applicable).  Any further weeks of leave taken will be paid at ShPP (where applicable) or will be unpaid.
<b>Option 2</b>	Up to <b>7 weeks' full pay</b> (inclusive of ShPP, where applicable), <b>followed by up to 18 weeks' half pay plus ShPP</b> , if eligible (capped at normal full pay).  Any further weeks of leave taken will be paid at ShPP (where applicable) or will be unpaid.
<b>Option 3</b>	Up to <b>37 weeks' ShPP</b> (where applicable) or unpaid leave (if no ShPP is available)

If you do not return to work for three months having received UESP, you will be required to repay the UESP less any statutory pay received. If you are unable to return to work due to redundancy, you will still be entitled to UESP (see Section 9 for more information).

### 5.2.1 Both Partners Employed by the University of Edinburgh

If you and your partner are employed by the University and you each meet the relevant policy's eligibility criteria:

- during maternity/adoption leave, the mother/lead adopter will be entitled to enhanced maternity/adoption pay, and
- during SPL you, their partner, will be entitled to UESP.

### 5.3. Pay: Guaranteed Minimum Hours (GH) Contracts

If you are employed on a guaranteed minimum hours (GH) contract, we will work out your UESP using the statutory calculation and the University's calculation as set out below. You will be paid whichever calculation is more beneficial to you.

Calculation:	UESP based on:
Statutory Calculation	Your average weekly earnings over the <b>eight week period</b> before the qualifying/matching week
University Calculation	Your average weekly earnings over the <b>52 weeks of employment</b> before the qualifying/matching week or your contract period if it is shorter than 52 weeks.

### 5.4. Pay: Statutory Shared Parental Pay (ShPP)

A total of 39 weeks' statutory maternity/adoption pay or maternity/adoption allowance is available to the mother/lead adopter. As their partner, the number of actual statutory weeks' pay that can be paid to you during SPL will depend on the amount by which the mother/lead adopter curtails their maternity/adoption pay/allowance period. For example, if your partner curtails their maternity/adoption leave by 20 weeks and takes 32 weeks' leave and statutory pay, there will be 20 weeks' leave and 7 weeks' statutory pay left to share.

ShPP is paid at the lower of the [standard flat rate](#) set by the Government or 90% of your average weekly earnings.

No combination of payments (UESP and ShPP) can exceed normal full pay (i.e. the amount you usually receive for your contractual working hours).

### 5.5. Multiple Posts

If you are employed in more than one post at the University, your UESP will be based on your combined earnings. You must notify your manager in each post of your intention to take SPL. Your leave must start and end on the same date in every post.

## **6. Employment during SPL**

### **6.1. Continuity of Employment**

Continuity of employment is maintained during your leave which means there is no break in service during your absence from work.

### **6.2 Terms and Conditions of Employment**

All of your terms and conditions of employment remain in place during your SPL, except those which relate to pay.

### **6.3 Annual Leave and Public Holidays**

You continue to accrue contractual annual leave (i.e. holidays) while you are on SPL. With your manager's agreement, you can add annual leave to the start or end of your SPL.

If your SPL falls over the [public holidays recognised by the University](#), these days will be added to your annual leave entitlement and should be taken at the end of your SPL and before you physically return to work. If you are part-time, you will receive a pro-rata entitlement, just as you would have done had you been at work.

### **6.4 Pension Contributions**

You will continue to make pension contributions during paid SPL. If you take unpaid SPL, you may not earn enough in a pay period to make your regular pension contribution. The [Pensions team](#) will contact you directly if there are any pension implications that you should be aware of, and will advise you of your options regarding your pension contributions.

## **7. SPL Keeping in Touch Days**

You can work up to 20 contact days, known as 'shared parental leave in touch' (SPLIT) days, during your leave without bringing your leave or pay to an end. You aren't obliged to agree to any SPLIT days, in the same way that the University isn't obliged to agree to any requests you make for SPLIT days. SPLIT days are used at mutually agreeable times. You and your manager should agree the date and hours of any SPLIT days. Whether you attend work for a full or part day, this will count as one SPLIT day.

You can choose to be paid for the time, or take this as time off in lieu (TOIL). Where a full day is not completed, payment/TOIL will only be for the hours actually spent at work or attending training or meetings.

If you choose to be paid, you will be entitled to the following:

Stage of SPL	Payment
During receipt of UESP at full pay	No additional payment (You may wish to opt for TOIL in this instance)
During receipt of UESP at half pay	Your pay will be topped up to your normal contractual pay for the hours attended
During receipt of ShPP only	ShPP will be topped up to your normal contractual pay for the hours attended
During unpaid period	Normal contractual pay for actual hours attended

If you choose to take TOIL, you must agree when to take the TOIL with your manager (e.g. it could be taken at the end of the SPL period or once you have returned to work).

SPLIT days are in addition to the 10 Keeping in Touch (KIT) days available to employees during maternity/adoption leave.

## 8. Returning Parents Coaching Programme

We offer a 'Returning Parents' Coaching Programme, which provides you with expert support to help your transition back into the workplace.

This service is provided at no cost to you. For more information, and to apply for this service, you can visit the [Human Resources web pages](#).

## 9. Redundancy

Should your role be placed 'at risk' of redundancy shortly before or during SPL, you will be given the same opportunities to engage with the consultation process as you would have had you been

at work. If you are subsequently made redundant while on SPL, payment of any outstanding UESP/ShPP will be made by lump sum at the end of your employment. If you are made redundant prior to taking planned SPL, you will no longer be eligible for SPL.

#### **10. Links to Other Relevant Policies and Guidance**

You may find it useful to refer to other relevant University policies which you can find on the [HR web pages](#):

- [Adoption and Surrogacy Leave](#)
- [Maternity Leave](#)
- [Partner \(formerly Paternity\) Leave](#)
- [Returning Parents Coaching Programme](#)

#### **11. Policy History and Review**

Approval Date: April 2019  
Approved By: CJCNC  
Year of Next Review: 2022



## Shared Parental Leave Procedure

### 1. Informal Discussion with Manager

You are encouraged to have an informal discussion about your plans to take SPL with your manager as early as possible so they can plan ahead for your absence.

### 2. Ending Maternity/Adoption Leave

Before you can take SPL, the mother/lead adopter must give their employer notice that they are curtailing their maternity/adoption leave and pay arrangements. The remaining leave and any ShPP can then be shared.

### 3. Notice of Entitlement

To confirm your entitlement for SPL, you must send the [Notice of Entitlement form](#) to HR with an indication of how much leave and pay you plan to take and when. HR will acknowledge receipt and inform your manager. We will not usually ask for evidence of entitlement, however if required, you must provide this within 14 days to HR. If your entitlement to SPL/ShPP changes at any point, you must let HR know.

### 4. Requesting and Booking Leave

You can request either:

- A single, unbroken period of leave ('continuous leave'); or
- Two or more periods of leave, separated by periods of work ('discontinuous leave')

You must send your request for SPL using a [Continuous Leave](#) or [Discontinuous Leave form](#) to HR at least eight weeks before you wish your leave to start. SPL can start on any day of the week but must be taken in blocks of one week (i.e. if one week's leave starts on a Tuesday it will finish on the following Monday).

#### 4.1 Continuous Leave Requests

Continuous leave requests will automatically be granted. HR will send you and your manager written confirmation of the dates and what you will be paid during SPL within two weeks of receiving your request.

## **4.2 Discontinuous Leave Requests**

Discontinuous leave requests need to be approved by your manager. HR will therefore pass your request to your manager. If approved, you will receive written confirmation of the dates and payment arrangements within two weeks of the request being received by HR.

If your request cannot be approved, your manager will meet with you to discuss your request and explore whether an alternative arrangement can be agreed to meet both your needs and the needs of your business area.

This meeting must take place within two weeks of the request being received by HR. Your manager will confirm the outcome of the meeting to you in writing, including the dates of any alternative arrangements. If the meeting does not result in the original or alternative discontinuous leave being agreed, you can request one continuous block of leave which will automatically be approved. The leave will start on the same date as originally requested, unless you request a new, later start date. The new start date must give at least eight weeks' notice of the leave.

## **5. Varying or Cancelling Booked Leave**

You can vary or cancel booked leave provided you give eight weeks' written notice. You must complete the [Varying/Cancelling SPL form](#) and send this to HR. HR will acknowledge receipt and inform your manager.

## **6. Returning to Work after SPL**

You will return to work on the next working day following the end of your SPL. If you are unable to return to work as expected because you are ill, you must contact your manager as soon as you can. Your absence will be treated as sickness absence. If you are unable to return because your child is ill, you must contact your manager to discuss the other types of leave available.

## **7. Resignation during SPL**

If you decide not to return to work, you must give notice of your resignation in line with your Conditions of Employment. The amount of SPL left to run when you give notice must be at least

equal to your contractual notice period, otherwise you may be required to return to work for the remainder of your notice period. If you have received UESP, you will be required to repay UESP less any statutory pay received.

## Mothers/Lead Adopters wishing to take SPL themselves

### Eligibility

A mother/lead adopter can curtail their maternity/adoption leave to take SPL, which allows leave to be taken in a more flexible way. If you are a mother/lead adopter who wants to curtail your maternity/adoption leave to take SPL, you need to meet the eligibility criteria set out in Section 4 of the policy.

### Pay

If you have any unused weeks of enhanced maternity/adoption pay, this can be taken as UESP. Equally any remaining entitlement to Statutory Maternity Pay will be paid as Statutory Shared Parental Pay (ShPP) during your SPL. No combination of enhanced maternity Pay (UEMP) and UESP can exceed 18 weeks' full pay.

### Switching from Maternity/Adoption Leave to SPL

To switch from maternity/adoption leave to SPL, you must curtail your leave and any remaining pay by giving at least eight weeks' notice and sending the [Curtailment Notice form](#) to HR. This will end your entitlement to further maternity/adoption leave and pay. (You can cancel your plans by completing the [Curtailment Cancellation form](#).)

### Notice of Entitlement

To confirm your entitlement for SPL, you must also send the [Notice of Entitlement form](#) to HR with an indication of how much SPL you plan to take and when.

HR will write to you and your manager to confirm your curtailment date, and acknowledge your intention to take SPL. If your entitlement to SPL/ShPP changes at any point, you must let HR know.

### Requesting and Booking Leave

To book your SPL, you should follow the steps outlined in the Procedure from Section 4 onwards. Note: if you do not return to work following SPL, you will be required to repay any enhanced pay (UEMP and UESP), less any statutory pay received.

**Mothers/Lead Adopters wishing to return to work to allow a partner to take SPL**

**Returning to Work Early**

If you are a mother/lead adopter who is eligible to and wishes to share your leave and pay entitlement with a partner, you must reduce ('curtail') your maternity/adoption leave and pay arrangements by giving at least 8 weeks' notice and sending the [Curtailment Notice form](#) to HR. This will end your entitlement to further maternity/adoption leave and pay.

HR will acknowledge your intentions to you and your manager in writing. (This can be cancelled by completing the [Curtailment Cancellation form](#).)

You will then return to work at the curtailment date.